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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,155	09/19/2003	Takeshi Konno	HGM-114-A	8730

21828 7590 01/10/2005

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EXAMINER
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LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/667,155

Applicant(s)

KONNO ET AL.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 5, 6, 8, 10, 11, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms “can be” or “may be” in these claims are indefinite.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konno et al. (US 2003/0024754) in view of Shouji et al. (FR 2802889).

Claim 1:

Konno discloses an anti-theft device comprising (refer to front page figure):

- a. An anti-theft locking mechanism L;
- b. A remote control T;
- c. A receiver R that receives a locking release signal transmitted from the remote control;
- d. A controller C that releases locking by the locking mechanism according to the locking release signal; and
- e. A locking release mechanism A that unlocks the locking mechanism by manual operation of a dedicated key in a vehicle.

It is not clear that the locking release mechanism in Konno being normally covered with a cover member of the vehicle. However, the use of a lock cover to prevent access to the lock is old and conventional in the art as taught in Shouji. See fig. 3. In light of this teaching, it would have been obvious to one skilled in the art to use a cover for the lock in Konno for the same purpose.

Claim 2:

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The cover member 47 in Shouji includes a cover which covers the locking release mechanism, and can be selectively opened and closed.

Claim 3:

The locking release mechanism in Konno is provided with a key cylinder (not shown) into which the dedicated key can be inserted.

The key cylinder is not shown in Knono, its position in which the dedicated key may be inserted therein substantially upwardly from beneath when the key cylinder is viewed from the side is not shown. However, this arrangement would not be considered an inventive step because it only presents a design choice, and the function of the device would not thereby be modified. It would be up to the designer to arrange the key cylinder in an appropriate position depending on the availability of space and/or convenience.

Claim 4:

It is not clear in Shouji whether the cover member comprises a front cowl of the vehicle. However, it would have been obvious to one skilled in the art to include a vehicle front cowl as part of the cover member because it would further enhance the security of the device.

Claim 5:

A latch is not clearly shown in Shouji. However, it is inherent that some mechanism functionally equivalent to a latch is present to maintain the cover in Shouji in a closed position.

Claim 6:

The cover in Shouji remains connected to the cover member when in an open position of the cover. See fig. 3.

Claim 7:

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The anti-theft device in Konno is operatively associated with a steering handle or a seat of the motorcycle.

Claim 8:

The locking release mechanism in Konno is provided with a key cylinder (not shown) into which the dedicated key can be inserted.

The key cylinder is not shown in Konno, its position in which the dedicated key may be inserted therein substantially upwardly from beneath when the key cylinder is viewed from the side is not shown. However, this arrangement would not be considered an inventive step because it only presents a design choice, and the function of the device would not thereby be modified. It would be up to the designer to arrange the key cylinder in an appropriate position depending on the availability of space and/or convenience.

Claims 9-14:

The rejection of claims 9-14 recites the rejection of claims 1-6, respectively. Further, the vehicle in Knono is a bicycle.

Claim 15:

The cover is pivotally connected to the cover member. See fig. 3.

Claims 16:

The rejection of claim 16 recites the rejection of claim 7.

Claims 18:

The rejection of claim 18 recites the rejection of claim 8.

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4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konno et al. (US 2003/0024754) in view of Shouji et al. (FR 2802889) and further in view of Mori et al. (US Patent No. 6,237,710).

Claim 17:

Konno and Shouji teach an antitheft device used with the steering handle but fail to disclose that it can be used with a seat of the motorcycle. Nonetheless, the concept of using an anti-theft device with a seat of a motorcycle is old in the art as taught in Mori. Therefore, a skilled artisan would have readily recognized using antitheft device in the combined system of Konno and Shouji with the seat as taught in Mori as desired.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on Mon-Fri 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu  
Primary Examiner  
Art Unit 2636